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Congress of the United States
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SOCIAL IMPACT

August 25, 2021

Dear President Biden,

I am writing to strongly encourage you to use your authority to pardon Daniel Everette Hale, who was sentenced to 45 months in prison on July 27, 2021, after pleading guilty to one count of violating the Espionage Act.

Mr. Hale served as an intelligence analyst in the Air Force, and after his service, became one of the most outspoken critics of the drone program in which he had participated. In doing so, he joined a proud American tradition of veterans advocating for peace after their service was complete.

I take extremely seriously the prohibition on leaking classified information, but I believe there are several aspects of Mr. Hale's case that merit a full pardon.

Although the investigation of Mr. Hale's leaks began under the Obama Administration, the Obama Department of Justice declined to prosecute him. It wasn't until 2019, under President Trump, that he was indicted. We are all well aware of the severe consequences of the Trump Administration's chilling crackdown on whistleblowers and other public servants who they deemed insufficiently loyal. I believe that the decision to prosecute Mr. Hale was motivated, at least in part, as a threat to other would-be whistleblowers.

Mr. Hale's release of information related to the drone program did not put any individual in danger. The information, while politically embarrassing to some, has shone a vital light on the legal and moral problems of the drone program and informed the public debate on an issue that has for too many years remained in the shadows. This information also provided concrete benefit to the legal efforts of Americans seeking to protect their Constitutional rights against secretive and arbitrary watchlisting practices.

Finally, Mr. Hale pled guilty and took full responsibility for his actions. His motivation, as outlined in his deeply moving letter to the judge in his case, was profoundly moral. As you frequently say, the United States should lead not just by the example of our power but by the power of our example. I implore you to read Mr. Hale's letter to the judge in full, and I believe you will agree that he was motivated by the same thing. Acknowledging where we've gone wrong, and telling the truth about our shortcomings, is not only the right thing to do, but also an act of profound patriotism.

The legal question of Mr. Hale's guilt is settled, but the moral question remains open. I strongly believe that a full pardon, or at least a commutation of his sentence, is warranted. It is for precisely these cases, where the letter of the law does not capture the complex human judgments in difficult situations, that your pardon authority is at its most useful.

I thank you for your consideration of this important matter, and I stand ready to continue the conversation. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ilhan Omar', is written over a horizontal line.

Ilhan Omar
Member of Congress